

Adrienne A. Burch
 1155 E. Twain Ave. #108-270
 Las Vegas, Nevada 89169
 Plaintiff Pro Se/ self represented

UNITED STATES DISTRICT COURT

DISTRICT O

2:14-cv-01141-JAD-PAL

Adrienne A. Burch) Case No. _
Plaintiff) CIVIL RIGHTS COMPLAINT PURSUANT TO
vs.) EQUAL PAY ACT OF 1963 AND
Bellagio Hotel and Casino) TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
Defendant) PLAINTIFF DEMANDS JURY TRIAL
_____)

Jurisdiction

1. The court has jurisdiction under 28 U.S.C. 1331. Pursuant to the Equal Pay Act of 1963, it is illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. Furthermore, Title VII of the Civil Rights Act of 1964 makes it illegal to discriminate against someone on the basis of race, color, religion, national origin, or sex. This law, also, makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Venue

2. Venue is proper pursuant to 28 U.S.C. 1391 because events giving rise to this complaint happened in this district. Furthermore, at all times hereinafter mentioned, the plaintiff, Adrienne A. Burch was and still is a resident of Las Vegas, Nevada. The defendant, Bellagio Hotel and Casino has a main office in Las Vegas, Nevada and is licensed to do business in Nevada.

Parties

3. Plaintiff, Adrienne A. Burch, resides in Las Vegas, Nevada at 4248 S. Spencer St. #110.

4. Defendant, Bellagio Hotel and Casino is located in Las Vegas, Nevada at 3600 Las Vegas Blvd South.

Statement of Facts

5. I have experienced and still experiencing race discrimination, gender discrimination, terrorizing harassment and retaliation which frequent and on going. This has created a hostile and offensive work environment. The specific violations are to include, but not limited to : job assignments beneath my classification, slander, unlawful suspensions from work shifts, constructing discharge, recruiting non-Blacks only, over scrutinizing work and performance, terrorizing surveillance in and outside of the workplace, graffiti, lack of training and breach of contract. I sought relief from the police department, Bellagio Security, Bellagio Employee Relations, Equal Employment Opportunity Commission (arbitration and investigation), Culinary Union, and Karina Rizo (previous kitchen manager Prime Steakhouse) to little avail.

I was hired by Defendant in 2004, as a Cook's Helper in the banquet kitchen. My current classification is cook in Prime Steakhouse in the Bellagio Hotel and Casino, but my position is pantry which is beneath my classification. Since on or about June 2010, when I accepted the position of part-time cook in Prime Steakhouse, I have been subjected to harassment, different terms and conditions of employment due to my race Black and my gender female by, to include but not limited to: Sean Griffin (executive chef Prime Steakhouse), Nazario Perales (assistant executive chef Prime Steakhouse), Pedro Ochoa (pantry Prime Steakhouse), Juan Bautista (pantry Prime Steakhouse) and as of late Jennifer Murphy (sous chef Prime Steakhouse). These violations commenced immediately after I accepted the cook position and began working. The initial violations I noticed were being, immediately, placed to work in the pantry which is beneath my job classification(where I have been working for the past 4 years), increased surveillance in the workplace (which is to include, but not limited to, the employee dining area and various Prime Steakhouse kitchen areas), and Pedro Ochoa (pantry Prime Steakhouse) and Juan Bautista (pantry Prime Steakhouse) being permitted to over scrutinize my work and aggressively condescend to me entire shifts, every shift, for extended periods

1 of time. In 2011, within the first year and I was full-time, I told Sean Griffin (executive chef Prime
2 Steakhouse) I wanted to be trained on other stations. I was place to work within my cook classification
3 on one station without proper training and length of time. Then, I was returned to work in the pantry,
4 beneath my classification and without being scheduled to be trained on any other station within my
5 classification as other non-Black, male cooks have. I am aware that a non Black cook Justin Spanier
6 (cook Prime Steakhouse) was placed and was given 8 months of training on a station in the cook
7 classification where I was not. Upon accepting the cook position in Prime Steakhouse, I should have
8 been place to work within my classification, immediately, as all male and 2 female(as of late), non-
9 Black cooks are; however, this was not and is not the case. In August of 2011, I filed a complaint in
10 Bellagio Employee Relations about being harassed by Elizabeth Solemon (pantry Prime Steakhouse).
11 In December 2011, I filed a complaint about everything that was happening to me in Prime Kitchen
12 and outside of work in Bellagio Employee Relations to no avail. I filed a complaint with the Equal
13 Employment Opportunity Commission in April of 2012. As I sought relief, the retaliation and
14 harassment increased with severity. I, also, began to notice increased surveillance outside of work
15 which led me to seek help from the police, Bellagio Security, and Bellagio Employee Relations
16 Department. Although, there is one other Black, male, mastercook Harold Tillman(mastercook Prime
17 Steakhouse) who has been employed at Prime Steakhouse since it opened, I am aware that Nazario
18 Perales (assistant executive chef Prime Steakhouse) and Sean Griffin(executive chef Prime
19 Steakhouse) have not hired any Black employees to work in the kitchen for the past 4 years that I have
20 been working in Prime Steakhouse. Furthermore, whenever an extra-board worker is needed, it is a
21 Latino male that is scheduled to work in Prime Steakhouse. Nazario Perales(assistant executive chef
22 Prime Steakhouse) is responsible for scheduling the kitchen staff which includes the extra-board help.
23 Currently, I am currently suspended pending investigation for being frustrated at Jennifer Murphy's
24 (sous chef Prime Kitchen) discriminatory micro-management.

25 CLAIM I

26 (Violation of Equal Pay Act of 1963: Unlawful to retaliate against a person because that person
27 complained about discrimination.)

28 6. Plaintiff alleges again paragraphs 1-5.

1 7. By taking adverse actions described above in paragraph 5, Defendant caused and /or permitted
2 retaliation of Plaintiff with job assignments beneath her classification, adequate training, and
3 constructing discharge thereby entitling Plaintiff to recover damages pursuant to the Equal Pay Act of
4 1963.

5 **Claim II**

6 (Violation of Title VII of the Civil Rights Act of 1964: Unlawful to discriminate based on race, color,
7 religion, sex, and national origin.)

8 8. Plaintiff alleges paragraphs 1-5.

9 9. By taking adverse actions as described above in paragraph 5, Defendant caused and /or permitted
10 discrimination against Plaintiff based on race and sex, thereby entitling Plaintiff to recover damages
11 pursuant to Title VII of the Civil Rights Act of 1964.

12 **Claim III**

13 (Violation of Title VII of the Civil Rights Act of 1964: Unlawful to harass a co-worker on the basis of
14 sex and race)

15 10. Plaintiff alleges paragraphs 1-5.

16 11. By taking adverse actions as described above in paragraph 5, Defendant caused and/or
17 permitted the harassment of the Plaintiff by her male, non-Black co-workers, thereby, entitling
18 Plaintiff to recover damages pursuant to Title VII of the Civil Rights Act of 1964.

19 **Claim IV**

20 (Violation of Title VII of the Civil Rights Act of 1964: Unlawful to engage in intentional
21 discrimination.)

22 12. Plaintiff alleges paragraphs 1-5.

23 13. By taking adverse actions as described above in paragraph 5, Defendant engaged in intentional
24 breach of contract by not allowing Plaintiff to work within the contractual classification, thereby,
25 entitling Plaintiff to recover damages pursuant to Title VII of the Civil Rights Act of 1964.

26 **Removal/Dismissed From State Court**

27 14. The Plaintiff, Adrienne A. Burch, initially filed this complaint in the 8th Judicial District Court
28 of Nevada on March 4, 2014, but it was dismissed at the ' Motion for Summary Judgement' hearing on

July 9, 2014 solely for being filed in the wrong court. *Exhibit S-1; Exhibit U-1; Exhibit T1-2* The plaintiff did not realize she was filing in the wrong court and was supposed to be filing her pleading in the United States District Court of the District of Nevada. The plaintiff was notified of this error by the judge on July 9, 2014.

Request for Relief

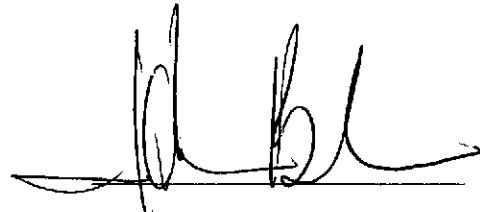
15. Wherefore, the Plaintiff requests: compensatory damages, punitive damages, general damages, and special damages, according to proof.

16. The plaintiff, Adrienne A. Burch requests relief from the court in the form of an immediate partial judgement of job reinstatement, back-pay, and court fees because she is experiencing economic hardship. The plaintiff will not be receiving unemployment benefits until she secures employment. The plaintiff has not worked since February 16, 2014 when she was unlawfully suspended pending investigation and subsequently terminated on March 4, 2014. *Exhibit ~~PEE~~ P3*

Demand for Jury Trial

17. Plaintiff hereby requests a jury trial on all issues raised in this complaint.

July 11, 2014



Adrienne A. Burch

Plaintiff/ Pro Se

black4322@yahoo.com

1155 E. Twain Ave. #108-270

Las Vegas, Nevada 89169

(702) 738-2948

REGISTER OF ACTIONS

CASE NO. A-14-697081-C

Adrienne Burch, Plaintiff(s) vs. Bellagio Hotel and Casino,
Defendant(s)§
§
§
§
§
§Case Type: **Breach of Contract**
Subtype: **Employment Contract**
Date Filed: **03/04/2014**
Location: **Department 2**
Cross-Reference Case Number: **A697081****PARTY INFORMATION**Defendant **Bellagio Hotel and Casino**

Lead Attorneys

Plaintiff **Burch, Adrienne A.**

Pro Se

EVENTS & ORDERS OF THE COURT**OTHER EVENTS AND HEARINGS**

03/04/2014 **Case Opened**

03/04/2014 **Complaint With Jury Demand**
Civil Rights Complaint Pursuant to Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964

05/19/2014 **Motion for Summary Judgment**
Motion for Summary Judgement from plaintiff Adrienne A. Burch

07/08/2014 **Notice of Appearance**
Defendant's Special Appearance to Provide Notice Disputing Service of Summons and Complaint, and Request to Strike

07/08/2014 **Initial Appearance Fee Disclosure**
Defendant's Initial Appearance Fee Disclosure

07/09/2014 **Motion for Summary Judgment (9:00 AM) (Judicial Officer Vega, Valorie J.)**
Plaintiff's Motion for Summary Judgement
Result: Case Dismissed

FINANCIAL INFORMATION

Defendant Bellagio Hotel and Casino			
	Total Financial Assessment		230.00
	Total Payments and Credits		230.00
	Balance Due as of 07/09/2014		0.00
07/09/2014	Transaction Assessment		226.50
07/09/2014	Wiznet	Receipt # 2014-78465-CCCLK	Bellagio Hotel and Casino (223.00)
07/09/2014	Wiznet	Receipt # 2014-78466-CCCLK	Bellagio Hotel and Casino (3.50)
07/09/2014	Transaction Assessment		3.50
07/09/2014	Wiznet	Receipt # 2014-78468-CCCLK	Bellagio Hotel and Casino (3.50)
Plaintiff Burch, Adrienne A.			
	Total Financial Assessment		470.00
	Total Payments and Credits		470.00
	Balance Due as of 07/09/2014		0.00
03/04/2014	Transaction Assessment		270.00
03/04/2014	Wiznet	Receipt # 2014-26201-CCCLK	Burch, Adrienne A. (270.00)
05/19/2014	Transaction Assessment		200.00
05/19/2014	Wiznet	Receipt # 2014-58010-CCCLK	Burch, Adrienne A. (200.00)

6-1

ELECTRONICALLY SERVED
03/06/2014 10:13:55 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Adrienne A. Burch
1155 E. Twain Ave. #108-270
Las Vegas, Nevada 89169
Plaintiff

-vs-
Bellagio Hotel and Casino
3600 S. Las Vegas Blvd South
Las Vegas, Nevada 89109
Defendant

CASE NO.

DEPT. NO.

SUMMONS - CIVIL

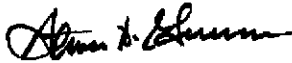
NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief

U-1

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05/19/2014 03:14:56 PM


CLERK OF THE COURT

Adrienne A. Burch
1155 E. Twain Ave. #108-270
Las Vegas, Nevada 89169
(702) 738-2948
Plaintiff pro se

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Adrienne A. Burch)	
Plaintiff,)	Case No.: A-14-697081-C
vs.)	Dept. No. : II
Bellagio Hotel and Casino)	
Defendant)	Hearing Date: _____
_____)	Hearing Time: _____

MOTION FOR SUMMARY JUDGEMENT

I. Pursuant to NRCP 56, the plaintiff, Adrienne A. Burch, appearing pro se, submits this motion to demonstrate to the court that there is no genuine issue of material fact in this case and that the plaintiff is entitled to summary judgement as a matter of law.

This motion is based upon and supported by the following Memorandum of Points and Authorities, the pleadings and papers of file, the affidavits and exhibits attached hereto, and any argument that the court may allow at the time hearing.

DATED this 19th day of May, 2014

Respectfully submitted by:

/s/ Adrienne A. Burch

Plaintiff pro se

T-1

I. Immediate Partial Summary Judgement

2. The plaintiff, Adrienne A. Burch, is requesting relief from the court in the form of an immediate partial summary judgement of job reinstatement, back-pay, and court fees because she is experiencing extreme economic hardship. The plaintiff's unemployment insurance is in a pending status and the plaintiff has not secured subsequent employment. This request is pursuant to Rule 55(a) and Rule 55 (b)(2) of the Federal Rules of Civil Procedure, which states, 'when a party against whom judgement for affirmative relief is sought has failed to plead or otherwise defend, and that failure shown by affidavit or otherwise, the clerk must enter the party's default and the party must apply to court for default judgement'.

NOTICE OF MOTION

3. **YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the undersigned will bring the foregoing **MOTION FOR SUMMARY JUDGEMENT** on for hearing before the above-entitled Court on the 09 day of JULY, 20 14 9:00A m. of said date, in Department

DATED this _____ day of _____, 20 _____

Respectfully submitted by:

/s/ Adrienne A. Burch

Plaintiff Pro Se

MEMORANDUM OF POINTS AND AUTHORITIES**I. STATEMENTS OF FACTS**

4. I have experienced and still experiencing race discrimination, gender discrimination, terrorizing harassment and retaliation which is frequent and on going. This has created a hostile and offensive work environment. The specific violations are to include, but not limited to: job assignments beneath my classification, slander, unlawful suspensions from work shifts, constructing discharge, recruiting non-Blacks only, over scrutinizing work performance, terrorizing surveillance in and outside of the workplace, graffiti, lack of training and breach of contract. I sought relief from the police department, Bellagio Hotel and Casino Security, Bellagio Hotel and Casino Employee Relations Department, the

T-2

Employment Security Division

Adjudication Center
500 East Third Street
Carson City, NV 89713-0035
Tel (775) 684-0302 Fax (775) 684-0338
Tel (702) 486-7999 Fax (702) 486-7987



DETR

Nevada Department of Employment,
Training and Rehabilitation

ONE NEVADA - Growing A Skilled, Diverse Workforce

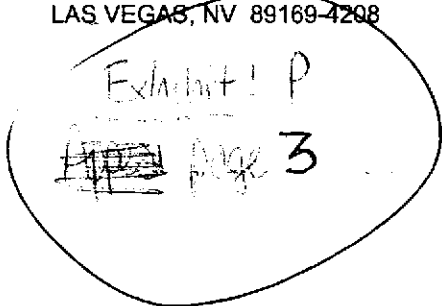


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<http://www.nvdetr.org>

Original

ADRIENNE BURCH
1155 E TWAIN AVE # 108-270
LAS VEGAS, NV 89169-4208



RE: BELLAGIO A NEVADA LLC
Claimant ID: 3966520
Issue ID: 2729511
Week End Date: 04/12/2014
Date Mailed: 04/25/2014
Last Day to Appeal: 05/06/2014
Decision Date: 04/24/2014

*** See back of form for Appeal Rights and other important information.**

***Vea el reverso de la hoja para los derechos de apelación y otra información importante.**

DECISION

You are not entitled to benefits effective 04/06/2014 until you return to work in covered employment and earn at least \$407.00 in each of 10 weeks. (Proof of earnings must be furnished to end this disqualification period.)

As a result of your disqualification, you may have been overpaid Unemployment Insurance benefits. If you have been overpaid, you will be issued a separate determination that will show the amount overpaid.

REASON FOR DECISION

You were discharged for violation of a reasonable and known policy. The final incident occurred on 02/15/14 when you displayed rude/discourteous conduct towards your Chef. Your employer has provided detailed information along with witness statements of your interaction with the Chef.

As your behavior was less than your employer has a reasonable right to expect of an employee, misconduct in connection with the work has been established.

Pertinent Section of Law:

NRS 612.385: A person is ineligible for benefits if he was discharged from his last or next-to-last employment for misconduct connected with the work, and remains ineligible until he works in covered employment and earns his weekly benefit amount in each week up to 16 weeks.



Report suspected UI Fraud online at <https://uifraud.nvdetr.org> or
call (775) 684-0475

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